

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

JASON F. MONK,

Plaintiff,

v.

5:05-CV-430

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

APPEARANCES:

OF COUNSEL:

BINDER, BINDER LAW FIRM
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Attorney for Plaintiff

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Attorney for Defendant

WILLIAM H. PEASE, ESQ.
Assistant U.S. Attorney

NORMAN A. MORDUE, CHIEF JUDGE

ORDER

The above matter comes to me following a Report-Recommendation by Magistrate Judge Gustave J. DiBianco, duly filed on the 18th day of January 2008. Following ten days from the service thereof, the Clerk has sent me the file, including any and all objections filed by the parties herein.

After careful review of all of the papers herein, including the Magistrate Judge's Report-Recommendation, and no objections submitted thereto, it is

ORDERED, that:

1. The Report-Recommendation is hereby approved.

2. The decision of the Commissioner is reversed and this case is remanded pursuant to Sentence Four of 42 U.S.C. §405(g) for a proper determination of plaintiff's residual functional capacity, and the possible need for vocational expert testimony.

3. The Clerk of the Court shall serve a copy of this Order upon all parties and the Magistrate Judge assigned to this case.

IT IS SO ORDERED.

Dated: February 5, 2008
Syracuse, New York


Norman A. Mordue
Chief United States District Court Judge